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Attorneys for Plaintiff Stacie Somers

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

IT IS SO ORDERED AS MODIFIED

James Ware

Judge James Ware

6/4/2009

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE APPLE IPOD ITUNES ANTI-TRUST LITIGATION, This Document Relates To: *Somers v. Apple, Inc.*, Case No. C 07-6507 JW,	Case No. C 07-6507 JW C 05-0037 JW STIPULATION AND [PROPOSED] ORDER MODIFYING CLASS CERTIFICATION EVIDENTIARY HEARING AND HEARING SCHEDULE JUDGE: The Honorable James Ware DATE: July 6, 2009 TIME: 10:00 a.m. CTRM: 8, 4th Floor

1. Whereas the Court specially set an evidentiary hearing and hearing on Plaintiff Stacie Somers' Motion for Class Certification for June 5, 2009 at 10:00 a.m.;

2. Whereas the Court set this evidentiary hearing specifically on the issue of Plaintiff's expert's damages calculation methodology;

3. Whereas Plaintiff's expert, Dr. Gary French, is unavailable on the scheduled date due to a previously scheduled medical leave;

4. Whereas the parties have met and conferred and checked with the Court's calendar clerk for the next available hearing date in which all parties are available;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that good cause exists to move the evidentiary hearing and oral argument on Plaintiff's class certification motion to July 6, 2009 at 10:00 a.m., or a date convenient for the Court.

Dated: May 29, 2009 s/Helen Zeldes

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Dated: May 29, 2009 s/Craig Stewart

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Counsel for Apple Inc.

SO ORDERD AS MODIFIED:

As to C 07-06507 JW Stacie Somers v. Apple, Inc. : The Court continues the evidentiary hearing from June 5, 2009 at 10:00 AM to **June 30, 2009 at 9:00 AM.**

As to C 05-00037 JW "The Apple iPod iTunes Anti-Trust Litigation": The Court continues the Case Management Conference from June 5, 2009 at 11:00 AM to **June 30, 2009 at 10:00 AM.**

Dated: June 4, 2009

James Ware

Hon. James Ware
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 29, 2009.

s/ Helen I. Zeldes
HELEN I. ZELDES

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MAILING INFORMATION FOR CASE C 07-06507

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Manual Notice List

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MAILING INFORMATION FOR A CASE 5:05-CV-00037-JW

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